

REMARKS

Claims 1-7, 10-17, 20-27, 30 and 40-76 are pending in the application. The Examiner has rejected claims 1-7, 11-17, 21-27 and 40-76 under 35 USC § 103(a) as being unpatentable over U.S. Patent 6,304,277 to Hoekstra et al. for the reasons set forth therein.

The present invention is directed to a method and system for ordering digital image goods and/or services by a user over a communication network. The method first requires the steps of obtaining a low-resolution digital image file with respect to a high-resolution digital image file and associated meta data with respect to the image. The method includes first transmitting of a low-resolution digital image file to a server at an image photo server provider over a communication network wherein the server contains software for manipulating and/or ordering goods or services with respect to the image. The user uses software with respect to the image and then the service provider provides feedback to the user based on the meta data and the user using the software. Then, the high-resolution image file is then sent to the service provider only after the foregoing steps have occurred. This allows the user to decide whether or not it is appropriate to continue further with the ordering of the goods or services desired.

It is respectfully submitted that the '277 reference cited by the Examiner has little relevance to the present invention. The '277 reference is directed to a system where instructions are obtained from a third party with regard to how to manipulate a high-resolution image stored on the user computer. As set forth in the field of the invention, the invention disclosed therein is directed to a system wherein digital image experts create modifications that are saved in a script file which is re-transmitted back to the originating site that can be applied to the high resolution digital image at the original site to produce corrected high-resolution digital images. See column 2, lines 40-47 and again at column 2, lines 56-61 and column 3, lines 7-9. In the '277 reference, only low-resolution images are sent to the expert service. The job ticket that is sent to the service provider relates to corrections and/or image conditions desired on the part of the image originator (see column 5, lines 18-19). The job ticket does not contain meta data relating to the information about the image file. Quite the contrary, the job ticket

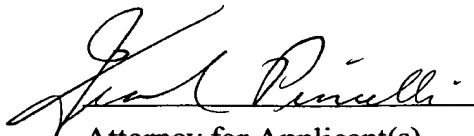
is merely instructions as to what is desired by the originator that image experts are to perform. That is, it is nothing more than a job order for asking that certain modifications be made to the image. Once the correction specialist makes the modification, a job script is prepared and sent back to the originator. As set forth at column 5, lines 57-60, the script file is defined as a file containing a list of instruction representing the modification performed by the image correction specialist. It is these image modifications that are made to the high-resolution at the originating site. Thus, it is clear there is no transmitting of the high-resolution to the remote image photo service provider as taught and claimed. Thus, the '277 reference teaches away from the present invention.

Applicants respectfully submit that the '277 reference is distinguishable for a number of reasons. First, it does not teach or suggest providing of meta data relating to the image file itself. Quite the contrary, it merely discloses providing of instructions for the modification that the specialist is to perform to the image. This does not teach or suggest providing a file that contained information about high-resolution image file as taught and claimed by Applicants. The master data of the present invention provides information as to the digital image file, e.g. the pixel size, color values of the image. That is not the same as instructions for modifying the image. Secondly, it does not teach or suggest feedback based on the meta data and the user using the software. What is sent back is a script file which provides instructions that are to be applied to the high-resolution image. In the present invention, the service provider analyzes the meta data, manipulates the image and provides feedback to the user. There is no teaching or suggestion of providing feedback in the '277 reference that could result in the user modifying or changing its orders or instructions for ordering of goods or services. Thirdly, there is no transmitting of the high-resolution image file after using the software as taught and claimed by Applicants. Quite the contrary, as previously noted, the '277 reference teaches away from this. Thus, there is no motivation to modify the '277 for transmitting of the high-resolution digital image file to the service provider as taught and claimed by Applicants. In view of the foregoing it is respectfully submitted that the rejected claims in their present form are in condition for allowance and such action is respectfully requested.

The Examiner also rejected claims 10, 20 and 30 under 35 USC § 103(a) as being unpatentable over U.S. Patent 6,304,277 as previously applied in view of U.S. Patent 6,380,967 to Sacca for the reasons set forth on page 5. First, Applicants would like to point out that these are dependent claims that depend upon independent claims which Applicants have discussed above and therefore are patentably distinct for the same reasons previously discussed. In addition, these dependent claims set forth that the transmission of high-resolution image may be interrupted and resume at the same place when the transmission is interrupted. The Examiner has cited Sacca reference as shown in method for consistent transmission of image data. The Examiner states that given the unreliability of communication network, it would have been obvious to modify the system of Hoekstra et al. to provide consistent transmission of image data as taught by Sacca in order to maintain customer satisfaction and prevent frustration involved in having to restart the image transmission process. Applicants have reviewed the Sacca reference and have found no place where it teaches or suggests the interruption of the image transmission data and restarting where it left off. In fact, the Sacca reference appears to teach or suggest the continuous transmission of image data until it is completed (see column 5, lines 59-60 and column 10, lines 13-16. Accordingly, it is respectfully submitted that these dependent claims are also patentably distinct over the cited prior art.

In summary, Applicants respectfully submit that the application in the present form is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Frank Pincelli", written over a horizontal line.

Attorney for Applicant(s)

Registration No. 27,370

Frank Pincelli/phw
Rochester, NY 14650
Telephone: 585-588-2768
Facsimile: 585-477-4646